

# CITY OF HUNTSVILLE, TEXAS

Andy Brauninger, Mayor

Keith D. Olson, Mayor Pro Tem, Position 4  
Lydia Montgomery, Position 2 At-Large  
Don H. Johnson, Position 3 At-Large



Joe Emmett, Ward 1  
Tish Humphrey, Ward 2  
Ronald Allen, Ward 3  
Joe Rodriquez, Ward 4

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## HUNTSVILLE CITY COUNCIL AGENDA TUESDAY, JANUARY 5, 2016 – 6:00 P.M. REGULAR SESSION

### CITY COUNCIL CHAMBERS AND LARGE CONFERENCE ROOM HUNTSVILLE CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS, 77340

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5403), two working days prior to the meeting for appropriate arrangements.

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#### MAIN SESSION [6:00 P.M.]

##### 1. CALL TO ORDER

##### 2. INVOCATION AND PLEDGES

*U.S. Flag*

*Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.*

##### 3. ELECTION MATTERS

- Administer the Oath of Office to the newly-elected Mayor.
- Presentation, public comment, discussion, and possible action* to elect a Mayor Pro Tem. [Mayor Brauninger]

##### 4. CONSENT AGENDA

Public Comments will be called for by the presiding officer before action is taken on these items. *(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- Approve the minutes of the City Council meeting held on December 15, 2015 and continued on December 16, 2015, and the Special Session held on December 20, 2015. [Lee Woodward, City Secretary]
- Adopt Resolution 2016-19 ratifying the prior adoption of Resolutions 2016-08 through 2016-18, and authorizing payment. [Matt Benoit, City Manager]
- Authorize the City Manager to approve a purchase order for \$250,000 for the disposal of solid waste at the Brazos Valley Solid Waste Authority's Twin Oaks Landfill. [Carol Reed, Director of Public Works]
- Approve the purchase of one Travis Refuse Trailer. [Carol Reed, Director of Public Works, and Mike Clouds, Fleet Manager]

##### 5. STATUTORY AGENDA

- Presentation, public comment, discussion, and possible action* to Consider authorizing the City Manager to order an appraisal, title report, and survey for the possible sale of City-owned property located at 1930 A Sam Houston Avenue, and to advertise for bids. [Aron Kulhavy, Director of Community and Economic Development]

##### 6. MAYOR/CITY COUNCIL/CITY MANAGER AND CITY ATTORNEY REPORT

- Presentation, public comment, discussion, and possible action* on nominations of the Mayor and Mayor Pro Tem for the City Council 2016 representative and alternate, respectively, to the General Assembly and Board of Directors of the Houston-Galveston Area Council (H-GAC). [Mayor Brauninger]
- Presentation, public comment, discussion, and possible action* on nominations of Councilmembers Don H. Johnson, Joe Emmett, Joe P. Rodriguez, and Mayor Andy Brauninger to serve on the City Council Finance Committee (the Mayor will select a member to serve as chair, per 8.02 of the City Council Rules of Procedure). [Mayor Brauninger]
- Presentation, public comment, discussion, and possible action* on nomination of Lydia Montgomery to serve on the City Council Communication/Service Committee. [Mayor Brauninger]
- Presentation, public comment, discussion, and possible action* on the nomination of Councilmember Johnson as the 2016 Chairperson for the Tax Increment Reinvestment Zone #1 Board of Directors. [Mayor Brauninger]

##### 7. REQUESTS FOR CITIZEN PARTICIPATION

*An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.*

- Presentation, public comment, discussion, and possible action* on Citizen Participation Request from Christie Clark at 3702 Summer Lane to discuss "McDonald Creek – Progress discussion redirecting water flow."

##### 8. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

##### 9. ITEMS OF COMMUNITY INTEREST

*(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)*

**10. EXECUTIVE SESSION**

- a. City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 legal advice on the following items:
- (i) claims regarding McDonald Creek;
  - (ii) log cabin located at 1103 and 1105 University Avenue and Notice to Vacate.

**11. RECONVENE**

Take action, if necessary, on items addressed during Executive Session.

**12. ADJOURNMENT**

\*If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Sections: 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

**CERTIFICATE**

I, Lee Woodward, City Secretary, do hereby certify that a copy of the January 5, 2016 City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.huntsvilletx.gov](http://www.huntsvilletx.gov), in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: \_\_\_\_\_

TIME OF POSTING: \_\_\_\_\_ am/pm

TAKEN DOWN: \_\_\_\_\_

\_\_\_\_\_  
Lee Woodward, City Secretary

MINUTES FROM THE HUNTSVILLE CITY COUNCIL REGULAR MEETING HELD ON THE 15<sup>th</sup> DAY OF DECEMBER 2015, IN THE CITY HALL, LOCATED AT 1212 AVENUE M, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 6:00 P.M.

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: Mac Woodward, Andy Brauning, Lydia Montgomery, Don H. Johnson, Tish Humphrey, Joe Emmett, Ronald Allen, Joe P. Rodriguez

COUNCILMEMBERS ABSENT: Keith D. Olson

OFFICERS PRESENT: Matt Benoit, City Manager, Leonard Schneider, City Attorney, Lee Woodward, City Secretary

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**MAIN SESSION [6:00 P.M.]**

1. **CALL TO ORDER** - Mayor Woodward called the meeting to order at 6:00 p.m.
2. **INVOCATION AND PLEDGES** – Councilmember Montgomery gave an invocation and Kalli Garcia from the YMCA led the pledges.
3. **CONSENT AGENDA**  
Public Comments will be called for by the presiding officer before action is taken on these items. *(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*
  - a. Approve the minutes of the City Council meeting held on December 1, 2015. [Lee Woodward, City Secretary]
  - b. Adopt Resolution 2016-13 authorizing the City Manager to enter into an agreement with Goodwin-Lasiter-Strong for professional engineering services for 2015-2016 Waterline Replacement Projects. [Y. S. "Ram" Ramachandra, City Engineer]
  - c. Consider approving tax sale bid for trust properties, Property IDs 26432, 25832, 25512, 26352, and 26270, as recommended by the Walker County Appraisal District. [Steve Ritter, Finance Director]
  - d. Approve Resolution 2016-14 authorizing the City Manager to approve various unit cost purchase orders for Roll-Off Containers, Dumpsters and Dumpster Bottoms. [Carol Reed, Public Works Director]

Councilmember Brauning moved to approve the consent agenda; the motion was seconded by Councilmember Montgomery. Councilmember Allen asked to pull items b and d. The motion for items a and c was adopted, 8-0. Councilmember Humphrey moved to adopt Resolution 2016-13 authorizing the City Manager to enter into an agreement with Goodwin-Lasiter-Strong for professional engineering services for 2015-2016 Waterline Replacement Projects, the motion was seconded by Councilmember Johnson. The motion was adopted, 7-1, Councilmember Allen voting against. Councilmember Humphrey moved to approve Resolution 2016-14 authorizing the City Manager to approve various unit cost purchase orders for Roll-Off Containers, Dumpsters and Dumpster Bottoms, the motion was seconded by Councilmember Johnson. The motion was adopted, 7-1, Councilmember Allen voting against.

**4. STATUTORY AGENDA**

- a. **Presentation, public comment, discussion, and possible action to adopt Resolution 2016-15 authorizing the City Manager to enter into an agreement with Terra Associates, Inc. for professional engineering services for River Oaks Drive Improvement Project.** [Y. S. "Ram" Ramachandra, City Engineer]

Councilmember Montgomery moved to adopt Resolution 2016-15, authorizing the City Manager to enter into an agreement with Terra Associates, Inc. for professional engineering services for River Oaks Drive Improvement Project; the motion was seconded by Councilmember Rodriguez. The motion was adopted, 7-1, Councilmember Allen voting against.

- b. **Presentation, public comment, discussion, and possible action to adopt Resolution 2016-16 authorizing the City Manager to enter into an agreement with McClure & Browne Engineering/Surveying, Inc. for professional engineering services for Sewer Line Replacement (IH-45 to the Water's Edge Lift Station) Project - #16-10-05.** [Y. S. "Ram" Ramachandra, City Engineer]

Councilmember Johnson moved to adopt Resolution 2016-16 authorizing the City Manager to enter into an agreement with McClure & Browne Engineering/Surveying, Inc. for professional engineering services for Sewer Line Replacement (IH-45 to the Water's Edge Lift Station) Project - #16-10-05; the motion was seconded by Councilmember Rodriguez. The motion was adopted, 7-1, Councilmember Allen voting against.

- c. **Presentation, public comment, discussion, and possible action to adopt Resolution 2016-17 authorizing the City Manager to approve a contract with Gerber Life for Stop Loss insurance coverage and payment in the amount of \$259,557.** [Julie O'Connell, Human Resources Director]

Councilmember Humphrey moved to adopt Resolution 2016-17 authorizing the City Manager to approve a contract with Gerber Life for Stop Loss insurance coverage and payment in the amount of \$259,557; the motion was seconded by Councilmember Johnson. The motion was adopted, 7-1, Councilmember Allen voting against.

- d. **Presentation, public comment, discussion, and possible action to adopt Resolution 2016-18 authorizing the City Manager to enter into an agreement with RPS Klotz Associates for professional engineering services for West Fork Tanyard Creek Sanitary Sewer project - #16-10-03.** [Y. S. "Ram" Ramachandra, City Engineer]

Councilmember Rodriguez moved to adopt Resolution 2016-18 authorizing the City Manager to enter into an agreement with RPS Klotz Associates for professional engineering services for West Fork Tanyard Creek Sanitary Sewer project - #16-10-03; the motion was seconded by Councilmembers Montgomery and Brauning. The motion was adopted, 7-1, Councilmember Allen voting against.

**5. MAYOR/CITY COUNCIL/CITY MANAGER AND CITY ATTORNEY REPORT**

- a. *Presentation, public comment, discussion, and possible action on a request by Councilmember Allen to modify the Retiree Health Insurance policy, dated September 17, 2015, to clarify eligibility for retiree health insurance for current retirees who are employed by an employer who provides access to health insurance. [Councilmember Allen]*

Councilmember Allen moved that the retirement policy going into effect on January 1, 2016, be changed so that only employees hired after January 1, 2016, are affected and that the changes not apply to current retirees or current employees. The motion was seconded by Mayor Woodward. Hank Eckhardt, Richard Watkins, Glen Isbell, David Langley, Harold Ramsey, and Johnny Poteet spoke in support of the motion. HR Director Julie O'Connell said the intent was for pre-65 retirees to be on private exchanges, receiving reimbursements of up to \$750 per month. As Councilmember Montgomery had noted, Mrs. O'Connell confirmed that many companies had made changes and pulled out of the exchanges since October, with the City then choosing to bring the pre-65 retirees back onto the City's self-insured plan for 2016. She added that all but one of the pre-65s had been enrolled and provided with dental and vision coverage if they wanted it.

For the post-65 group, she continued, retirees who were Medicare-eligible and on the supplement the City had set up, would be on the Health Plan One exchange. Of the 31 eligible, 27 are set up. They receive \$250 per month, and many of them are paying less. Mayor Woodward confirmed that three other post-65s working for other employers and eligible for Medicare are able to come back to the City's plan. Mr. Eckhardt recalled that spouses were covered after the death of retirees, although they did have to pay, but that this had no longer been the case for several years. Mrs. O'Connell noted that was true under TML and most other plans, and that spouses could only continue under COBRA for 36 months.

City Manager Matt Benoit said four Councilmembers studied the issue for 6-8 months, that he had met with several retirees, and encouraged all to consider Mrs. O'Connell an ally in these efforts. Mr. Benoit said Huntsville has always been really good at taking care of employees and retirees, but that the unfunded liability for the City of around \$19.5 million was a reality. Mrs. O'Connell confirmed retirees needed to enroll by the end of December. Mr. Ramsey said no one had discussed the potential increase in out of pocket expenses because they were basically being moved from a group plan to individual plans.

The Mayor called a recess at 7:32 p.m. and reconvened at 7:50 p.m. Mayor Woodward clarified that retirees over-65 had a group plan through United Healthcare (United) under the TML umbrella, with a value of just over \$400. He further confirmed 27 retirees have signed up for exchanges for reimbursements for \$250 a month and that there were a few others employed with coverage who will not be affected until they end that employment. Mayor Woodward acknowledged it might be difficult to put everyone back on United and difficult to end the new coverage for those who have made a first payment. Mayor Woodward suggested the City increase the contribution to \$400 for 2016. Councilmember Allen said he would be willing to reword his motion so that the City would keep the post-65 retirees on the United plan until the issue could be straightened out and it was determined if those who had paid could be switched back.

City Attorney Leonard Schneider pointed out the motion did not meet the agenda posting. Without objection, the Council agreed to recess the meeting until 6:00 p.m. Wednesday evening to continue the item with more information.

**6. REQUESTS FOR CITIZEN PARTICIPATION**

*An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.*

No requests received by noon on December 8, 2015.

**7. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA**

There were no media inquiries.

**8. ITEMS OF COMMUNITY INTEREST**

*(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)*

Mayor Woodward shared a bet between him and the Mayor of Jacksonville, that the winning Mayor would provide a jersey to the losing Mayor, to wear at the first regular meeting in January. Councilmember Brauningner thanked the Mayor for his service. Mayor Woodward thanked all those with whom he had served and wished everyone a Merry Christmas.

**9. EXECUTIVE SESSION**

- a. **City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 legal advice on the following items:**
- (i) Claim filed by George Russell against City regarding Town Creek;
  - (ii) Jerry DeWitt claim against City regarding sidewalk construction;
  - (iii) Log Cabin located at 1103 and 1105 University Avenue and Notice to Vacate.

The Mayor adjourned the Council into Executive Session at 8:11 p.m.

**10. RECONVENE**

- a. **Take action, if necessary, on items addressed during Executive Session.**

The Council reconvened at 8:56 p.m. Councilmember Johnson moved to recess the meeting until 6:00 p.m. Wednesday night and was seconded by Councilmember Rodriguez.

**11. ADJOURNMENT**

Mayor Woodward adjourned the meeting at 8:58 p.m.

MINUTES FROM THE HUNTSVILLE CITY COUNCIL REGULAR MEETING HELD ON THE 16<sup>th</sup> DAY OF DECEMBER 2015, IN THE CITY HALL, LOCATED AT 1212 AVENUE M, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 6:00 P.M.

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: Mac Woodward, Andy Brauning, Lydia Montgomery, Don H. Johnson, Tish Humphrey, Joe Emmett, Ronald Allen, Joe P. Rodriguez

COUNCILMEMBERS ABSENT: Keith D. Olson

OFFICERS PRESENT: Matt Benoit, City Manager, Leonard Schneider, City Attorney, Lee Woodward, City Secretary

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**MAIN SESSION [6:00 P.M.] - continuation of December 15, 2015 meeting, with item 5a under discussion**

**1. CALL TO ORDER -** Mayor Woodward called the meeting to order at 6:00 p.m.

**5. MAYOR/CITY COUNCIL/CITY MANAGER AND CITY ATTORNEY REPORT**

- a. **Presentation, public comment, discussion, and possible action on a request by Councilmember Allen to modify the Retiree Health Insurance policy, dated September 17, 2015, to clarify eligibility for retiree health insurance for current retirees who are employed by an employer who provides access to health insurance. [Councilmember Allen]**

Councilmember Allen moved that the retirement policy going into effect on January 1, 2016, be changed so that only employees hired after January 1, 2016, are affected and that the changes not apply to current retirees or current employees. The motion was seconded by Mayor Woodward. This item was pending when the meeting was postponed on December 15, 2015, please refer to those minutes.

The item was taken up again at 6:00 p.m. on Wednesday, December 16, 2016. Julie O'Connell, Human Resources Director, confirmed that each retiree could call to cancel any new plan and re-enroll with the City plan with United Healthcare. Without objection, the motion was withdrawn.

Mayor Woodward moved to put post-65 retirees on Medicare supplement plan through United Healthcare and pay any additional costs, the motion was seconded by Councilmember Montgomery. Councilmember Brauning thanked Mrs. O'Connell for her efforts. Councilmember Humphrey expressed her support of the motion, but reminded all that this decision was possibly only a temporary solution. Councilmembers Humphrey and Rodriguez assured all that the actions of the City Manager and HR Director were at the express direction of the City Council. The motion was adopted unanimously, 8-0. Mayor Woodward asked that the Council, City Manager, HR Director, and retirees work together on a solution in the coming year. He also requested that the City Council Long Range Planning Ad Hoc Committee also consider this item, as unfunded liability affects the City's bond rating, interest rates, ability to issue debt, and other aspects of the City's future and growth.

**6. REQUESTS FOR CITIZEN PARTICIPATION**

*An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.*

No requests received by noon on December 8, 2015.

**7. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA**

There were no media inquiries.

**8. ITEMS OF COMMUNITY INTEREST**

*(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)*

Mayor Woodward congratulated the City Secretary for her receipt of two scholarships and a plaque for serving as the TMCA, Inc. Salt Grass Chapter 2015 President. Councilmember Montgomery thanked Mayor Woodward for his service, leadership, and mentoring, and especially his patience. Johnny Poteet offered the assistance of the retirees at any time. Mayor Woodward wished everyone a Merry Christmas.

**9. EXECUTIVE SESSION**

- a. **City Council will convene in closed session as authorized by Texas Government Code Chapter 551, Section 551.071 legal advice on the following items:**
1. Claim filed by George Russell against City regarding Town Creek;
  2. Jerry DeWitt claim against City regarding sidewalk construction;
  3. Log Cabin located at 1103 and 1105 University Avenue and Notice to Vacate.

The Mayor adjourned the Council into Executive Session at 6:34 p.m. to discuss item 9a(1).

**10. RECONVENE**

- a. **Take action, if necessary, on items addressed during Executive Session.**

No action was taken.

**11. ADJOURNMENT**

Mayor Woodward adjourned the meeting at 6:45 p.m.

Lee Woodward, City Secretary

**MINUTES FROM THE HUNTSVILLE CITY COUNCIL MEETING HELD ON THE 20<sup>TH</sup> DAY OF DECEMBER 2015, IN THE CITY HALL, LOCATED AT 1212 AVENUE M IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 2:00 P.M.**

The Council met in a regular session with the following:

**COUNCILMEMBERS PRESENT:** Mac Woodward, Andy Brauninger, Lydia Montgomery, Tish Humphrey, Ronald Allen, Joe P. Rodriguez

**COUNCILMEMBERS ABSENT:** Don H. Johnson, Keith D. Olson, Joe Emmett

**OFFICERS PRESENT:** Lee Woodward, City Secretary

**MAIN SESSION [2:00 P.M.]**

1. **CALL TO ORDER** – Mayor Woodward called the meeting to order at 2:00 p.m.
2. **INVOCATION AND PLEDGES** – Councilmember Rodriguez gave an invocation and Mayor Woodward led the pledges.
3. **ELECTION MATTERS**
  - a. *Presentation, public comment, discussion, and possible action to canvass the returns of the Mayoral Runoff Election held on the 12<sup>th</sup> day of December 2015, for the purpose of electing a Mayor At-Large.* [Lee Woodward, City Secretary]

Councilmember Allen moved to canvass the returns of the Mayoral Runoff Election held on the 12<sup>th</sup> day of December 2015, for the purpose of electing a Mayor At-Large; the motion was seconded by Councilmember Rodriguez. The motion was adopted unanimously, 6-0.

**Early Voting by Precinct**

<b><u>Candidate &amp; Position/Measure</u></b>	<b><u>101</u></b>	<b><u>102</u></b>	<b><u>201</u></b>	<b><u>205</u></b>	<b><u>206</u></b>	<b><u>301</u></b>	<b><u>401</u></b>	<b><u>Total</u></b>
Andy Brauninger	14	220	66	364	51	63	48	826
Keith D. Olson	11	173	57	217	30	43	43	574
<b>Totals</b>	<b>25</b>	<b>393</b>	<b>123</b>	<b>581</b>	<b>81</b>	<b>106</b>	<b>91</b>	<b>1400</b>

**Early Voting & Election Day Returns**

<b><u>Candidate &amp; Position</u></b>	<b><u>Early</u></b>	<b><u>101</u></b>	<b><u>102</u></b>	<b><u>201</u></b>	<b><u>205</u></b>	<b><u>206</u></b>	<b><u>301</u></b>	<b><u>401</u></b>	<b><u>Total</u></b>
Andy Brauninger	826	2	45	6	86	12	7	8	992
Keith D. Olson	574	5	59	27	76	13	21	13	788
<b>Totals</b>	<b>1400</b>	<b>7</b>	<b>104</b>	<b>33</b>	<b>162</b>	<b>25</b>	<b>28</b>	<b>21</b>	<b>1780</b>

**Voters Voted**

<b><u>Precinct</u></b>	<b><u>Registered Voters</u></b>	<b><u>Ballots Cast</u></b>	<b><u>Percentage</u></b>
101	664	32	4.82
102	3377	497	14.72
201	2248	156	6.94
205	2337	743	31.79
206	984	106	10.77
301	2612	134	5.13
401	2346	112	4.77
<b>Total</b>	<b>14,568</b>	<b>1,780</b>	<b>12.21</b>

- b. **Administer the Oath of Office to the newly-elected Mayor.** [Walker County Court at Law Judge Tracy Sorensen]

Walker County Court at Law Judge Tracy Sorensen administered the Statement of Elected/Appointed and Official Oath of Office to Andy Brauning, and Mayor Woodward presented him with his Certificate of Election. Mayor Brauning thanked Mayor Woodward and expressed his respect for him, and shared sentiments of appreciation to the citizens of Huntsville and the City Council members.

**4. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA**

There were no media inquiries.

**5. ITEMS OF COMMUNITY INTEREST**

*(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff for which no action will be discussed or taken.)*

There were no items.

**6. ADJOURNMENT**

Mayor Woodward adjourned the meeting at 2:11 p.m.

Lee Woodward, City Secretary



## CITY COUNCIL AGENDA

1/5/2016

Agenda Item: 4b

**Item/Subject:** Consider adoption of Resolution 2016-19 ratifying the prior adoption of Resolutions 2016-08 through 2016-18, and authorizing payment.

**Initiating Department/Presenter:** City Manager

**Presenter:** Matt Benoit, City Manager

**Recommended Motion:** Move to adopt Resolution 2016-19.

**Strategic Initiative:** Goal #7 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

**Discussion:** Throughout most of the month of November and through December 2016, the City Council approved various purchases and contracts by resolution. The resolution accompanying each of these purchases included legislative findings sufficient for the Council to interpret the City's Charter provision Section 14.14. Each of these resolutions was approved by the Council with a majority vote. Now that the runoff election is complete, and Mayor Brauningner has been duly elected and sworn into office, it is appropriate to ratify the action taken by each of these resolutions by asking the Council to consider adopting Resolution 2016-19. The table below illustrates the Council meeting date, resolution number, the action taken, and vote for each of these purchases/contracts.

<u>Meeting Date</u>	<u>Resolution #</u>	<u>Action</u>	<u>Vote</u>
11/17/15	2016-08	Unit quantity purchase orders for annual supply of road materials.	8-0 (Councilmember Emmett absent)
11/17/15	2016-12	Purchase of an Automated Residential Garbage Truck, four (4) Ford vehicles and a Commercial Roll-Off Sanitation Truck	8-0 (Councilmember Emmett absent)
11/17/15	2016-11	Design-Phase Construction Manager At-Risk Contract with Garney Construction for Town Creek	6-2, (Councilmembers Allen & Brauningner voting against)
11/17/15	2016-10	Amended agreement with Gessner Engineering for professional engineering services for TAP sidewalks project	7-1, (Councilmember Allen voting against)
12/1/15	2016-09	Avenue M and Normal Park Waterline Replacement Bid Award	9-0
12/15/16	2016-15	Agreement with Terra Associates for River Oaks Drive Improvement Project	7-1 (Councilmember Olson absent; Council member Allen voting against)
12/15/16	2016-16	Agreement with McClure & Browne Engineering for Sewer Line Replacement (Water's Edge Lift Station)	7-1 (Councilmember Olson absent; Council member Allen voting against)
12/15/16	2016-17	Approve Stop Loss Health Insurance Quote	7-1 (Councilmember



		with Gerber Life	Olson absent; Council member Allen voting against)
12/15/16	2016-18	Agreement with RPS Klotz Assoc. for Engineering Services for West Fork Tanyard Creek Sewer project	7-1 (Councilmember Olson absent; Council member Allen voting against)

**Previous Council Action:** As listed in the table above, the City Council approved a total of nine (9) resolutions during the November 17, December 1, and December 15 Council meetings to award contracts and purchases and interpret Charter provision 14-14.

**Financial Implications:**

☒ There is no financial impact associated with this item.

**Approvals:**      ☐ City Attorney      ☐ Director of Finance      ☒ City Manager

**Associated Information:**

- Resolution 2016-19 (pages 3-4)

## RESOLUTION NO. 2016-19

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, RATIFYING THE PRIOR ADOPTION OF RESOLUTIONS 2016-08, -09, -10, -11, -12, -13, -14, -15, -16, -17, AND -18 AND AUTHORIZING PAYMENT.**

WHEREAS Section 14.14 of the City Charter states:

“The Council may award contracts only at regular meetings of the Council except in the event of grave public emergency or calamity. It is further provided that from the date of any City general election until the members of the Council elected at such election have duly qualified and taken office, the Council shall not create, make, or enter into any contract for the purchase of materials, supplies, land, or buildings, or for the construction or repair of any public building or the carrying on of any public work, or professional services requiring or authorizing any expenditure in excess of one thousand dollars which creates or imposes on the City any obligation or liability of any nature or character whatsoever, except in the event of grave public emergency or calamity. It is specifically provided, however, that this provision shall not apply to contracts lawfully authorized prior to any City general election or to contracts which may hereafter be lawfully authorized by a vote of the qualified voters of the City, or to contracts made for the purpose of continuing the normal functions of any regularly established department of the City. Any and all contracts hereafter made by the City in violation of the terms of this provision shall be void and shall not be enforceable in any court of this State and the performance of same and the payment of any money there under may be enjoined by any property tax paying citizen of the City.”

WHEREAS The City Council of the City of Huntsville, has reviewed the processes which brought the projects and contracts in Resolutions 2016-08 through 2016-18 before it for adoption and the adoption of each Resolution; and

WHEREAS Section 3.03 of the City of Huntsville City Charter states, the City shall have the power to contract and be contracted with; and

WHEREAS Section 11.15 of the City of Huntsville City Charter sets forth guiding procurement procedures for contracts to be executed, many of which are in contrary to Section 14.14; and

WHEREAS The December 12, 2015 runoff election for Mayor was canvassed on December 20, 2015, and Mayor Andy Brauninger was duly sworn into office and presented with a certificate of election.

WHEREAS Section 14.14 of the Charter does not specifically mention runoff elections; and

WHEREAS The Council believes the intent of Section 14.14 was not to prohibit operations of the City for a period of two months that affect health, safety and welfare.

**NOW THEREFORE, be it resolved by the City Council of the City of Huntsville Texas,**

- Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the City Council and made a part hereof for all purposes.
- Section 2 The City Council of the City of Huntsville, Texas ratifies the prior adoption of Resolutions 2016-08, -09, -10, -11, -12, -13, -14, -15, -16, -17, and -18.
- Section 3 The City Council ratifies the prior authorization given to the City Manager to sign and execute all associated contractual documents after approval by the City Attorney for each of the Resolutions 2016-08, -09, -10, -11, -12, -13, -14, -15, -16, -17, and -18.
- Section 4 The City Council ratifies and/or authorizes payment for any work or services performed under contracts and projects associated with Resolutions 2016-08, -09, -10, -11, -12, -13, -14, -15, -16, -17, and -18.

**PASSED AND APPROVED this 5<sup>th</sup> day of January 2016.**

THE CITY OF HUNTSVILLE

\_\_\_\_\_  
Andy Brauning, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lee Woodward, City Secretary

\_\_\_\_\_  
Leonard Schneider, City Attorney



## CITY COUNCIL AGENDA

10/6/2015

Agenda Item: 4c

---

**Item/Subject:** Consider authorizing the City Manager to approve a purchase order for \$250,000 for the disposal of solid waste at the Brazos Valley Solid Waste Authority's Twin Oaks Landfill.

**Initiating Department/Presenter:** Public Works

**Presenter:** Carol Reed, Public Works Director

---

**Recommended Motion:** Move to approve authorizing the City Manager to approve a purchase order for \$250,000 for the disposal of solid waste at the Brazos Valley Solid Waste Authority's (BVSWA) Twin Oaks Landfill.

---

**Strategic Initiative:** Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

---

**Discussion:** The City of Huntsville currently has a Municipal Solid Waste (MSW) contract in place with the Polk County Landfill in Leggett, Texas, operated by Santek, Inc., for disposal of solid waste from the City's Transfer Station at a cost of \$16.73/ton. On November 2, 2015, the City notified Santek that it would discontinue hauling and disposal of solid waste at the Polk County Landfill until such time as the dangerous and damaging conditions at the landfill were corrected. The 18-wheel transfer tractors and trailers were mired axle-deep in mud, were having to be towed by cable up steep hills to the dump location, and were in danger of toppling on their sides due to terrible road conditions.

From November 2 to December 11, the Solid Waste Department hauled and disposed of solid waste at the BVSWA Twin Oaks Landfill in Shiro at a cost of \$27.00/ton for MSW. During that time, staff has visited the Polk County Landfill several times to assess the status of the repairs and improvements and has been in regular communication with the landfill operator. On Friday, December 11, staff determined that conditions at Polk County landfill were acceptable to again begin receiving our waste. However, on December 16 and December 28, the tractor trailers again had to be towed to the dumping site because of road conditions. As of December 29, drivers are hauling to Twin Oaks until acceptable conditions at the Polk County landfill can be verified.

The total cost to haul to Twin Oaks from November 2 to December 11 is \$125,000. The requested Purchase Order is for \$250,000 in anticipation of the need for continued use of the Twin Oaks Landfill when excessive rain renders the Polk County Landfill inaccessible.

The City may be able to recoup the additional cost of disposing at Twin Oaks, approximately \$47,000 from November 2 to December 11, from Santek per a provision in the contract allowing such reimbursement in the event that the landfill is inaccessible to our vehicles. Staff is pursuing that possibility. **This issue was discussed and recommended by the Finance Committee. However, at the time of the Finance Committee presentation and recommendation, City staff was proposing the sum of the purchase order to be \$125,000. Based recent rain events and the continued inability to dispose of waste at the Santek facility, staff is recommending a purchase order totaling \$250,000 instead of the \$125,000 originally recommended to the Finance Committee.**

**Previous Council Action:** On September 17, 2013, Council approved authorizing the City Manager to enter into a contract with Santek for the transfer of solid waste materials and an interlocal agreement with Polk County for the same.

---

**Financial Implications:**

☐ There is no financial impact associated with this item.

☒ Item is budgeted: 224-374-55550 In the amount of \$ 250,000

☐ Item is not budgeted:

☐ Item is estimated to generate additional revenue:

---

**Approvals:**      ☐ City Attorney      ☐ Director of Finance      ☒ City Manager

---

**Associated Information:**

- Purchase order request (page 3)
- Photos of Polk County Landfill conditions from November 2 (pages 4-5)
- Santek August 29, 2013 Assurance Letter (pages 6-7)
- Santek Contract Cover Page and Default Clause Section 9.01 (page 8-9)
- Notes from November 5, 2015 meeting with Santek officials (page 10)



City of Huntsville  
Request for Purchase Order

Requested by  Division  Date   
Account #  Budget Balance   
Vendor Name  Vendor #  Purchase Order #

Item #	Description	Quantity	Price	Amount
1	Transfer Solid Waste Materials	9375.00	\$ 26.69	\$ 250,218.75
2				\$ 0.00
3				\$ 0.00
4				\$ 0.00
5				\$ 0.00
6				\$ 0.00
7				\$ 0.00
8				\$ 0.00
9				\$ 0.00
10				\$ 0.00
11				\$ 0.00
12				\$ 0.00
13				\$ 0.00
14				\$ 0.00
			Freight	\$ 0.00
			<b>TOTAL</b>	<b>\$ 250,218.75</b>

Division Approval  Date   
Dept Approval  Date

Purchases above \$3,000 require Purchasing approval

Purchasing  Date

Purchases above \$8,000 require City Manager approval

City Manager  Date

Comments









650 25th Street, N.W., Suite 100  
Cleveland, Tennessee 37311  
(615) 800-7400

Email: [mail@santekenviro.com](mailto:mail@santekenviro.com)  
Internet: [www.santekenviro.com](http://www.santekenviro.com)

August 29, 2013

MS Billie Smith  
Procurement Manager  
Huntsville, TX  
448 Highway 75  
brHuntsville, TX  
Telephone: (936) 291-5495

MS Smith:

Santek Environmental of TX, LLC (Santek) and the Polk County Landfill (Landfill) has been the City of Huntsville, TX choice for its solid waste disposal needs for many years and it is greatly appreciated.

Santek has been working hard to make improvements at the Landfill such as:

- 1) The road to the tipping area has been widened. Trucks can pass one another on the roadway.
- 2) There is a spotter on the tipping area from 6:30 AM to 4:00 PM with no exceptions. The spotter will at all time wear a safety uniform.
- 3) The spotter will keep trucks in the tipping area a minimum of 10' feet apart. A Photograph, taken on 8-28-13, shows two (2) trucks side-by-side in the tipping area with the spotter.
- 4) By improving the tipping area with more rock no trucks will be pulled or pushed for disposal in the tipping area.
- 5) Safety is a major concern; there is a job box on the tipping area with 15 fire extinguishers. First Aid Kits are available in the Scale House and Shop. There is a port-a-potty in the tipping area and restroom available in the Scale House.
- 6) Pending State of Texas approval the tipping area will be moved in less than one (1) month to the bottom of the Landfill. Photographs (3), taken on 8-27-13, show the cell development. Ingress and egress to the tipping area will be much easier upon the opening of the aforementioned cell.
- 7) Santek will not price increase this Contract until sixth year instead of the fifth year that is in the Request for Proposal documentation.
- 8) Regarding pricing; if the City of Huntsville grows its daily tonnage by 20 tons per Day Santek will take \$00.10 per ton off the disposal rate. If the City of Huntsville grows its daily tonnage by 40 tons per day Santek will take \$00.25 per ton off the disposal rate. If the daily tonnage grows by 80 tons per day Santek will take \$00.50 per ton off the disposal rate. Thru the first six (6)

months of 2013, using 22 days, the City of Huntsville is averaging 140 tons per day disposal into the Polk County Landfill.

We understand there was a significant lowering of the disposal cost to the City of Huntsville in our RFP. This was done because we value and want the business of the City of Huntsville. This pricing will in no way hamper the improvements the City of Huntsville will see to the facility. Santek also vows that on a quarterly or as-needed basis it will communicate with the City of Huntsville as to the service we are providing at the Polk County Landfill.

Santek values the business of and the relationship with the City of Huntsville and looks forward to working with you for many years to come.

Sincerely,



Matt Dillard  
Executive Vice-President of Operations

Attachments: (4)

Cc: Jeff Hunter; Landfill Manager Polk County Landfill  
Kenny Fuqua; Vice-President of Business Development  
David L. Hollinshead; Corporate Development

COPY

INTERLOCAL GOVERNMENTAL AGREEMENT

Between

CITY OF HUNTSVILLE, TEXAS

And

THE POLK COUNTY SOLID WASTE MANAGEMENT CENTER

For Landfill Services

This Interlocal Governmental Agreement, dated as of October 1, 2013 is between Polk County, Texas (the "County") and the City of Huntsville, Texas, a home-rule municipal corporation (the "City").

PREMISES

WHEREAS, Chapter 791 of the Texas Government Code authorizes local governments to contract with each other and a state agency to provide governmental functions or services; and

WHEREAS, the City of Huntsville is a municipal corporation and a local government as defined in V.T.C.A., Government Code § 791.003 (4); and

WHEREAS, the County of Polk is a political subdivision of the State of Texas and a local government as defined in V.T.C.A., Government Code § 791.003 (4); and

WHEREAS, the County owns the Polk County Solid Waste Management Center facility (the "Center"), which is located 3.5 miles west of Leggett, Texas, and is operated under the Texas Commission on Environmental Quality Permit #1384 (the "Permit"), issued January 12, 1983; and

WHEREAS, it is the stated desire of the County and its landfill operator, Santek Environmental of Texas, LLC (the "County Representative") to provide these facilities and services, especially to other governmental entities through the provisions of the Texas Interlocal Cooperation Act, Chapter 791 of Texas Code; and

NOW, THEREFORE, FOR AND IN CONSIDERATION of the foregoing premises and the other mutual covenants between the parties, the receipt and sufficiency are hereby acknowledged, the parties hereto do hereby enter into an Interlocal Governmental Agreement ("Agreement") as follows:

8.03 The County Representative shall upon request furnish City evidence that the insurance required of it is in force.

8.04 The limits of liability of all insurance required herein shall be as set forth:

<u>Coverages</u>	<u>Limits of Liability</u>
Workmen's Compensation	Statutory
Employer's Liability	\$1,000,000 each accident
Comprehensive General Liability Bodily Injury Liability and Property occurrence Damage Combined	\$1,000,000 each
Automobile Liability Bodily Injury and Property Damage Combined occurrence Single Limit	\$1,000,000 each

#### IX DEFAULT

9.01 In the event that the Landfill cannot receive the City's MSW and/or Sludge for any reason other than that described in Section 10.04, then the County and the County Representative shall reimburse the City for the costs of landfilling at another landfill, including additional transportation costs and tipping fees, any such MSW and Sludge that would otherwise have been acceptable for landfilling at the Landfill during the period the Landfill is unable to receive such waste for any reason other than that described in Section 10.04. In addition to any other lawful means of effecting reimbursement from County or the County Representative, the City may credit these reimbursable costs against the fees due or that may become due to the County Representative pursuant to this Agreement.

### Summary of Meeting Requested by Santek on 11/5/2015

#### Attendance:

1. Esther Herklotz-Solid Waste Superintendent
2. Natalie Mimms-Solid Waste Assistant Superintendent
3. Boris Marroquin-Transfer Station Operator
4. Michal Clouds-Fleet Superintendent
5. Victor Cain-Market Area Manager for Santek
6. Mike DeMarco-General Manager of Polk County Landfill

#### Summary:

Mr. DeMarco informed us that there had been a three inch rain event on Friday, October 30, 2015, and that is why the landfill was in such bad shape (referencing the photos taken on October 31, 2015). He stated that they are currently working very hard to place in felt, rock, re-grade the roads, and enlarge the working face.

Our response to this was that two years ago when the contract with them was renewed, those same promises have been documented. They were also informed that through instructions from our Director, we were not to return to their land fill until they had sent us documentation of the steps they were implementing toward improvements, as well as photos of those improvements. Once this documentation has been received and deemed acceptable by our Director, we would travel out to the landfill for an inspection before we would send our rigs back to this landfill.

In addition to informing both Mike DeMarco and Victor Cain about those documentation requirements, we also informed them that the facility we currently are going to has a low enough grade percentages that our trucks are not strained going up to the working face, we can travel there in the rain, their roads are clean so we do not get tire failures, and the working face is large enough for all of our rigs to turn around and eject at the same time, significantly reducing our turnaround time.

Mike Clouds stated that the Santek landfill should no longer be in such a state that it is common practice to chain on and drag our vehicles through mud or up slippery slopes to the working face. Mike DeMarco stated that this was not common practice. Again, documentation from two years ago states that this would not be done any more, but obviously has continued to happen.

They left promising to make significant improvements and to get us whatever we need so we can return to their land fill. There was no time frame given.



## CITY COUNCIL AGENDA

1/5/2016

Agenda Item: 4d

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**Item/Subject:** Consider the purchase of one Travis Refuse Trailer.

**Initiating Department/Presenter:** Public Works

**Presenter:** Carol Reed, Public Works Director, Mike Clouds, Fleet Manager

---

**Recommended Motion:** Move to approve the purchase of one Travis Aerolite S-12 Live Floor Refuse trailer from Travis Body & Trailer, Inc. for \$62,134.00.

---

**Strategic Initiative:** Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

---

**Discussion:** Asset #525, a 2005 Travis Refuse Trailer, is listed on the FY15-16 Vehicle Equipment Replacement Schedule and was approved to be replaced. This piece of equipment is used daily to transport refuse to the landfill. Upon replacement, this trailer will be placed in backup status and #979, a 1999 Travis Refuse Trailer, will be sold at auction.

Formal sealed bid sent to three (3) trailer manufacturers, posted on the City's web site, in The Huntsville Item and Electronic State Business Daily with only one (1) responder.

---

**Previous Council Action:** All previously approved refuse trailers were purchased from Travis Body & Trailer, Inc.

---

**Financial Implications:**

- ☐ There is no financial impact associated with this item.
- ☒ Item is budgeted: 306-379-69020 In the amount of \$70,000.00
- ☐ Item is not budgeted:
- ☐ Item is estimated to generate additional revenue:

---

**Approvals:** ☐ City Attorney ☒ Director of Finance ☒ City Manager

---

**Associated Information:**

- Bid tab (page 2)

Bid No. 16 - 06

December 29, 2015

Solid Waste Walking Floor Trailer



Bid Response

<i>Firm Name</i>	<i>Trailer Cost</i>	<i>Estimated Delivery Date</i>
Travis Body & Trailer	\$62,134.00	90 Days

\*NOTICE: Bid award is contingent upon vendor meeting bid requirements and formal authorization by City officials



## CITY COUNCIL AGENDA

1/5/2016

Agenda Item: 5a

---

**Item/Subject:** Consider authorizing the City Manager to order an appraisal, title report, and survey for the possible sale of City-owned property located at 1930 A Sam Houston Avenue, and to advertise for bids.

**Initiating Department/Presenter:** Community & Economic Development

**Presenter:** Aron Kulhavy, AICP, Director of Community and Economic Development

---

**Recommended Motion:** Move to authorize the City Manager to order an appraisal, title report, and survey for the possible sale of City-owned property located at 1930 A Sam Houston Avenue and to advertise for bids.

---

**Strategic Initiative:** Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

---

**Discussion:** City staff has been approached with a request to purchase the subject property located on Sam Houston Avenue behind Barefoot Athletics and Humphrey's. The intent of the developer is to combine the purchase of this lot with other surrounding properties in order to create a 2.5-acre+ tract for development.

The 0.672-acre City-owned tract was acquired in 1999 from Sam Houston State University and is undevelopable as a standalone tract. The property has approximately 20' of street frontage along Sam Houston, and extends westward from the street for about 150' before it opens into a larger area. This larger area is significantly lower than the street and is encumbered by a large drainage easement.

The City's Charter, Section 14.13(b) states, "No sale or lease of real estate shall be made by the Council without first causing to be advertised for bids by a notice in the official newspaper of the City for two consecutive weeks setting out the property proposed to be sold or leased, the conditions under which the bids would be received and the time and place they would be opened." These Charter provisions follow Chapter 272 of the Local Government Code.

This item authorizes the City Manager to advertise for bids, order an appraisal, survey, and title report. The tentative schedule below would satisfy the provisions of Section 14.13 of the Charter as well as Chapter 272 of the Local Government Code. Upon authorization of the Council to advertise for bids, the City would then order the appropriate documents to sell the property, advertise the bid for two weeks in the local newspaper, open and evaluate the bids, and finally present the bid to Council for consideration. This entire process is expected to take approximately 60 days.

It is important to note that this item does not obligate the City to sell this property. It merely sets a process in place for the City to satisfy Charter and state law requirements so that the City Council may consider selling the property. City staff will accept any direction the Council may have regarding bid requirements. Currently, City staff's recommendation will be for a payment bond in the form of a cashier's check equal to 1% of the bid amount, for the property to be sold as is and with no warranty or assurance as to environmental or any other factors that may limit property use, and for the purchaser of



the property to submit an application for Planned Development zoning designation of the property. The Planned Development designation will allow the Planning Commission and City Council ultimate review authority for the development of the property.

---

**Previous Council Action:** The City Council has taken no action on this item.

---

**Financial Implications:**

☒ **Item is budgeted:** The current fiscal year budget includes adequate funds to pay for the proposed professional services associated with this item.

---

**Approvals:**      ☐ City Attorney      ☐ Director of Finance      ☒ City Manager

---

**Associated Information:**

- Map of property proposed for sale (page 3)





**Houston-Galveston Area Council**

Office of the Executive Director

September 17, 2015

The Honorable Mac Woodward  
Mayor  
City of Huntsville  
1212 Ave M  
Huntsville, TX 77340

  
Dear Mayor Woodward:

I am writing regarding the appointment of City of Huntsville's representative to H-GAC's 2016 General Assembly and Board of Directors.

H-GAC's Bylaws authorize each member city with a population of at least 25,000 but not in excess of 99,999 according to the last preceding Federal Census (2010) to select one member of its governing body as its representative and one member of its governing body as an alternate to the H-GAC General Assembly.

H-GAC's Bylaws also stipulate that your Board of Directors representative shall be the General Assembly delegate. Therefore, the official chosen to serve as the General Assembly representative will also be designated to serve on H-GAC's Board of Directors.

I have enclosed the appropriate form for your convenience. Please return the completed form by fax to 713-993-2414 or email [rick.guerrero@h-gac.com](mailto:rick.guerrero@h-gac.com).

The 2016 designated representatives begin their terms of office at the first of January 2016.

If more information concerning General Assembly and Board of Directors membership would be useful, please contact me or Rick Guerrero at 713-993-4598. Thanks for your help in selecting H-GAC's 2016 General Assembly and Board of Directors.

Sincerely,



Jack Steele

JS/dw

Enclosure  
cc: City Secretary

**DESIGNATION OF REPRESENTATIVES  
HOUSTON-GALVESTON AREA COUNCIL  
2016 GENERAL ASSEMBLY  
AND  
BOARD OF DIRECTORS**

\*\*\*\*\*

**BE IT RESOLVED**, by the City Council of Huntsville, Texas that the following be and are hereby designated as the representative and alternate of the General Assembly of the Houston-Galveston Area Council for the year 2016:

REPRESENTATIVE \_\_\_\_\_

ALTERNATE \_\_\_\_\_

**FURTHER THAT**, they are hereby, designated as the representative and alternate to the Board of Directors of the Houston-Galveston Area Council for the year 2016.

**THAT**, the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named delegate and alternate.

**PASSED AND ADOPTED**, this \_\_\_\_ day of \_\_\_\_\_, 2015.

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_



## CITY COUNCIL AGENDA

1/5/2016

Agenda Item: 7a

---

**Item/Subject:** Consideration and discussion on Citizen Participation Request from Christie Clark at 3702 Summer Lane to discuss "McDonald Creek – Progress discussion redirecting water flow."

**Initiating Department/Presenter:** City Manager

**Presenter:** Matt Benoit, City Manager

---

**Recommended Motion:** Item is not posted for action. City Council consideration and discussion is encouraged. If there appears to be majority support for any action, the motion may be to, "Move to direct the City manager to prepare \_\_\_\_\_ for Council consideration at the \_\_\_\_\_ City Council meeting."

---

**Strategic Initiative:** Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

---

**Discussion:** Ms. Clark lives at 3702 Summer Lane, which sits at the intersection of Autumn Road and Summer Lane and is the first residential structure along McDonald Creek after the water exits the Autumn Road culvert. Based upon her item description and a discussion with City Secretary Lee Woodward, her interest is in having the City change the flow of McDonald Creek away from her yard.

Based upon City staff's investigation:

- Walker County Appraisal District records indicate Ms. Clark acquired the property in March, 2014. The McDonald Creek channel and culvert under Autumn Road are the same today as they were in 2014.
- City staff is estimating that with the construction of a concrete diversion wall along the south bank of McDonald Creek for approximately 45' to 50' feet and some dredging for approximately 150 feet from the Autumn Road culvert, the City can (to some degree) insulate her yard from erosion. City staff is estimating a cost of approximately \$50,000 to \$65,000 for this work. There are no budgeted funds for this work.
- Based upon field reviews, there are probably three to four other properties along Summer Lane experiencing erosion/property encroachment due to McDonald Creek. Due to their location (no access) providing the same diversion wall and dredging would be at least as much for each of these properties. Related to the last bulleted item, it isn't believed that a Section 404 Permit would be required for this work, however the Corps of Engineers would need to review the scope of work and plan drawings before that issue could be determined conclusively.
- The primary problems with McDonald Creek are: 1) The portion of McDonald creek from Autumn Road to Winter Way is very flat. 2) The water flow carries with it significant sediment that is deposited and limits the flow in the intended channel. 3) The infrastructure that carries the water underneath Autumn Road and (especially) Winter Way is undersized and has limited capacity due to siltation. Installation of a diversion wall(s) and limited dredging does nothing to improve any of these problems.



- All of the conceptual, long-term fixes staff has been able to review and consider involve work that will require a Section 404 Permit from the Army Corps of Engineers because McDonald Creek is a designated wetland by the Clean Water Act. Typically, a 404 Permit requires 18 to 24 months to receive (the 404 permit for a segment of Town Creek required 2 years) after design of the proposed improvements are complete.

Elsewhere on this agenda is a posted Executive Session on this topic.

---

**Previous Council Action:** The City Council first received citizen input on this issue at the May 19, 2015, Council meeting from Mr. Edgin, Ms. Clark and Mr. and Mrs. Burt. The City Council was briefed in Executive Session on this issue on July 21, 2015. No action was taken. The City Council heard from Mr. Edgin in the citizen participation section of their agenda on December 1, 2015.

City of Huntsville  
City Council Meeting



**Public Comment Card**

**AGENDA ITEM**

NAME (required):

Christie Clark

ADDRESS (required):

3702 Summer Ln  
Huntsville, Tx 77340

PHONE#: 713-302-5605 cell

EMAIL: Cotten212@yahoo.com

I wish to speak on the following Agenda Item(s):

McDonald Creek -  
Progress discussion  
Redirecting water flow

Would you like to be contacted after the meeting?

yes

**Time is limited to five (5) minutes  
per person.**

Please place this card at the City Secretary's seat on the dais in the City Council Chamber prior to the beginning of the meeting. The presiding officer will call speakers as each item is brought before the Council.